(23) (20)

Nos. 93-1456 and 93-1828

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1994

U.S. TERM LIMITS, INC., et al.,
Petitioners

V.

RAY THORNTON, et al.,
Respondents

WINSTON BRYANT,
ATTORNEY GENERAL OF ARKANSAS,
Petitioner,

V.

BOBBIE E. HILL, et al.,
Respondents

BRIEF OF AMICUS CURIAE CONGRESSIONAL TERM LIMITS COALITION, INC. (MAINE), et al.

LOWELL D. WEEKS
LOWELL D. WEEKS, PA
204 WINDHAM CROSSING
744 ROOSEVELT TRAIL
WINDHAM, ME 04062

JOHN C. ARMOR
JOHN C. ARMOR, PA
327 11th ST., N.E.
WASHINGTON, DC
20002

Attorney for Amicus Curiae
Congressional Term Limits
Coalition, Inc. (Maine),
et al.

Petitions for Certiorari Filed
March 17, 1994 and May 16, 1994
Certiorari Granted June 20, 1994

41 pp

QUESTIONS PRESENTED

A. Is the method of limiting the terms of members of Congress from Arkansas that appear in this case not only constitutionally valid, but demonstrated by the adoption of the 17th and 19th Amendments to the Constitution?

1. 17th Amendment
2. 19th Amendment

B. Is such action by the states precluded, permitted, or even encouraged by the constitutional framework as designed in 1787?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTORY MATERIALS

BOOKS & LAW REVIEW ARTICLES

BRIEF OF AMICI

Amicus Curiae Congressional Term Limits Coalition, Inc. (Maine) (hereinafter referred to as "CTLC"), Marylanders for Term Limits, Vermont Term Limits, Connecticut Term Limits, New Hampshire Citizens for Term Limits and New Jersey Term Limits Coalition, Inc., file this brief in support of Petitioners with the consents of all parties, which have been filed with the Clerk.

INTEREST OF AMICI

CTLC is a Maine non-profit corporation formed in 1993 for the purpose of unifying the citizen "grass roots" effort to place a congressional term limits initiative question on the ballot for the November 1994 elections in Maine. The proposed initiative prohibits an incumbent Representative who has served 6 or more of the previous 11 years or Senator who has served 12 or more of the previous 17 years, from having his or her name printed on the ballot, but does not prevent such incumbent from being elected as a write-in candidate on the ballot.

CTLC agrees with Petitioners, U.S. Term Limits, Inc., et al. and Winston Bryant, Attorney General of Arkansas, that such legislation does not constitute an additional qualification for service in Congress in violation of any Article of or Amendment to the U. S. Constitution. CTLC, as the source of the term limits initiative question on the ballot for the November 1994 elections in Maine, and the unified voice of over 54,513 citizens of the State of Maine who have petitioned to have this question on the ballot, has an interest in assuring that such legislation is valid and enforceable.

Marylanders for Term Limits, New Hampshire Citizens for Term Limits, Vermont Term Limits, Connecticut Term Limits and New Jersey Term Limits Coalition, Inc. join with CTLC, and agree with the Petitioners aforesaid, and, as representatives of citizens of their various states with respect to their efforts to have term limits legislation is valid and enforceable.

OTHER MATTERS

Amicus curiae CTLC, Inc., et al hereby adopts the Statement Jurisdiction, the Statement of the Case and the Standard of view set forth in the Brief of the Petitioner US TERM LIMITS (hereinafter U.S.T.L.) and pertinent portions of the Constitution of the United States as reported in U.S.T.L. Brief.

ARGUMENT

A. Is the method of limiting the terms of members of Congress from Arkansas that appear in this case not only constitutionally valid, but demonstrated by the adoption of the 17th and 19th Amendments to the Constitution?

In point of fact, George Bryan, a leading Pennsylvania Anti-Federalist, stated the problem plaiNly during the ratification debates on the Constitution, 1787:

We shall never find two thirds of a Congress voting or proposing any thing which shall derogate from their own authority and importance, or agreeing to give back to the people any part of those privileges which they have once parted with--so far from it: that the greater occasion there may be for reformation, the less likelihood will there be of accomplishing it. The greater the abuse of power, the more obstinately is it always persisted in. (emphasis added)

The quick answer to this question is yes. Both the 17th and 19th Amendments involved state-based alterations in the election of members of Congress, which eventually put enough pressure on a reluctant Congress that it proposed national amendments to accomplish what many states had already individually done. The supporters of term limits are embarked on the same course of action. And there is no question today of the legitimacy of the 17th Amendment, which made Senators popularly elected, nor of the 19th Amendment, which guaranteed women the right to vote.

The long answer to that question requires a factual and historical analysis of the processes which produced these two amendments, so it can be compared with the record of actions to date concerning term limits. A good beginning point for that analysis is "Rethinking Article V: Term Limits and the Seventeenth and Nineteenth Amendments, by Kris W. Kobach, 103 Yale L.J. 1971, No. 7, May, 1994.

This article contains only one significant factual error in the history

of the earlier amendments, however, that error leads to an incorrect legal conclusion on which the philosophical analysis rests. It involves the adoption of the 17th Amendment, and is corrected here. The error causes the author to refer to what term limits supporters are doing now as "a legally anomalous path," "Rethinking," at page 1972.

The author is correct in his principal conclusion that, "The strategy that term limits proponents are employing now is virtually identical to that which led to the adoption of the Seventeenth and Nineteenth Amendments." That is why the conclusion reached by this amicus brief on behalf of Six state organizations some of which have placed term limits on the |994 ballot, is that the constitutionality of the term limits effort cannot be denied without also denying the constitutionality of these two, prior efforts that succeeded.

1. The 17th Amendment

The **amici** begin with the history of the 17th Amendment. With the one exception about to be described, this Amendment was achieved as described in "Rethinking," pps. 1976 - 1980. The parallels with term limits begin with the tactical situation. Then as now, the effort "faced seemingly insurmountable congressional hostility from the outset." (Rethinking," p. 1976.) Then as now, the decision was made to approach the proposed change state by state. Then as now, both the initiative and legislative routes for state action were pursued. In what has been termed, the "greatest grassroots movement of the 20th century " term limits is sweeping the country.

As the main brief for US Term Limits points out, the effort involves successful initiatives in 15 states prior to 1994, initiative efforts (all federal-four state Legislature-two local-one county) in seven new states in 1994, including Maine, plus modification of prior, successful petitions in Colorado and Nebraska. In addition to the initiatives, term limit

supporters had legislation introduces in 1993 in three states which do not have the initiative process. In New Jersey, New Hampshire and Texas the amendments to their election codes to provide for term limits for members of Congress passed one house, but not the other. These efforts will be renewed, because term limits cannot succeed any more than the 17th Amendment could have succeeded, without statutory action by some states.

Also, it is noted that Utah is the first state to pass legislation to limit Congressional terms. Utah Term Limits Act of 1994. Utah included a provision that its law would not take effect until 24 other states had also acted. Other states who take up the issue are expected to include the same provision, to avoid being in a Congressional minority when term limits take effect. Since there are only 23 states where the initiative process is available for this purpose, by definition term limits must obtain not just popular votes but legislative action in at least two states. (The 23rd state, not mentioned above, is Mississippi. Its new initiative law requires any proposal to go

before the legislature in a session before it can appear on the ballot. Petitioning has succeeded there, but the voters will not have the opportunity to vote on it until 1995.

In addition, it is believed that term limits will be on the ballot in the following cities:

Washington, DC (ballot drive completed)

Baltimore	Knoxville	Topeka
Chattanooga	Nashville	Kansas City (Kansas)
Milwaukee	Madison	Lawrence
Green Bay	Akron	

At present 13 of the 25 largest cities in the country have some form of term limits on local officials. The six cities listed above fall within the largest 25 cities in population and if the voters pass term limits on November 8, there will be as many as 18 of the 25 larger cities with some form of term limits.

In addition, it is expected that the number of term limited jurisdictions in

the country will at least double by November 8, 1994. There are over a hundred jurisdictions in the country which currently have term limits and by November 8 it is expected over 100 others to pass term limits. Included in this category are Minneapolis and Spokane.

The author of "Rethinking" does note that supporters of direct election of Senators also pursued a strategy that is expressly provided for in Article V. "Starting in 1901, various states passed resolutions calling for a national convention to propose an amendment in accordance with the second proposing mechanism of Article V." ("Rethinking," p. 1977.) The factual error is in dismissing this as inconsequential in the next sentence, "However, like every effort before and since, the campaign for a national proposing convention was unsuccessful."

In the late 1960's, the Dirksen Amendment failed narrowly. That amendment would have partially reversed **Baker v. Carr,** [369 U.S. 186 (1962)] by allowing one house of a bicameral state legislature

to be apportioned on a basis other than population. Prompted by the uncertainties about the calling of a constitutional convention for a limited purpose, in 1972 the American Bar Association appointed a Special Committee, composed of eleven experienced individuals and chaired by the Dean of Harvard Law School. Its mission was to determine whether a limited convention was constitutional.

In 1973, the Committee issued its Report. And the ABA published the "Report of the Special Committee on a Limited Convention Under Article V," in 1974. The Committee unanimously concluded that a limited convention could be conducted if the states so demanded, and that Congress could pass enabling legislation to carry out such a limitation. This was also identified as official policy of the American Bar Association, since its House of Delegates approved the Report in 1974, as noted therein.

For present purposes, the Report shows information about the Article V convention calls that the author of "Rethinking" apparently did not have. In

Table A on pps. 83-84 the Report listed all of the convention calls ever made by the states, and identified the principal ones by their subject. A total of 3 states passed such calls for a convention limited to proposing an amendment to make US Senators directly elected by the people. At that time, the Union contained 46 states, so the target number to trigger the calling of a convention was 31 states.

This fact explains one aspect of the 17th Amendment that "Rethinking" does mention, the "eleven-month stalemate in the House-Senate conference committee, [before] the House accepted the Senate version of the amendment...." (At p. 1979.) It also explains one aspect the article does not mention, the presence of a classic grandfather clause as clause three of the Amendment. It states, "This Amendment shall not be construed so as to affect the term or election of any Senator serving at the time of its ratification." This grandfather clause is the reason for the eleven-month stalemate between the House and Senate. It also offers silent but

eloquent testimony to the effectiveness of the states' Article V convention calls on the amendment.

Had a convention written the amendment, it could have put all the non-elected Senators out in the street, and required the election of an entirely new Senate, with its members drawing lots to determine which ones would serve two-, four- or six year terms initially. The sitting members of the Senate were certainly aware that the first Senators in the First Congress were elected all at one time, and did draw lots to determine the length of their initial terms.

In short, the sitting Senators followed a well-known political axiom in their writing of their version of the 17th Amendment, which they insisted the House accept. When you are about to lose a political battle, salvage what you can in defeat.

On the surface, the 17th Amendment was placed in the Constitution by the same method as all the others. It was proposed by two-thirds of the House and Senate, it was ratified by three-fourths of the

states. But, the political reality of the 17th Amendment, which "Rethinking" missed, was different. This amendment was achieved by the successful use of limited convention calls under Article V. The calls did not "succeed" in producing a convention. But, they did succeed in producing an amendment. Given the fact that more than 10,000 proposed amendments have been introduced in Congress over the first 200 years of that body and only 27 have been adopted, that is enough success for any effort.

So. contrary to the conclusion of the author of "Rethinking," the 17th Amendment was accomplished by actions within Article V. None of these convention calls were obtained by the initiative process. They did not offend this Court's later decision in **Hawke v. Smith,** 253 U.S. 221 (1920) that a referendum on the Ohio legislature's decision to ratify the 18th Amendment (Prohibition) was improper, since Article V grants power on such issues only to the legislature itself.

The last parallel between the effort to obtain the 17th Amendment and the term limits effort is in restriction

of what candidates can be voted for as members of Congress. "Rethinking" describes the Oregon plan, which was quickly adopted by many other states. (At p. 1978.) Under it, the voters acted in a prior election to make their choices for US Senate. Then, candidates for the state legislature were required to sign one of two statements. The first pledged the state legislator to vote for the Senate candidate "who has received the highest number of votes...." The second said the state legislator would consider the people's vote, "nothing more than a recommendation, which I shall be at liberty to wholly disregard...." As "Rethinking" says, "Not surprisingly, few politicians were willing to risk signing Statement No. 2" Equally not surprisingly, the first legislature to function under this law had to pick two Senators, and in 20 minutes chose the two winners of the popular vote.

Obviously, there were other men (the 19th Amendment was yet to come) running for these two Senate seats in Oregon. All other candidates were, by operation of this law, barred from consideration by the

legislature, which at that time still had the sole power to make the selection. In practical effect, the Oregon plan was more restrictive than term limit proposals are today. The Oregon plan limited the selection to just one candidate for each seat. Term limits allow any registered citizen of a state, except one incumbent who has served the limit, to be a candidate and win if possible. (Some term limit proposals even allow the incumbent to run again, but as a write-in candidate.)

"Rethinking" concluded about the 17th Amendment that, "This dramatic reversal was the result of the state-by-state alternations of the structure of the federal government." (At p. 1979.) This conclusion is unjustified by the facts. Some states did change only what belonged to them, their representation in the Senate. And they did so through their election codes under the Time, Place and Manner Clause of the Constitution. The national, structural change did not occur, and could not have occurred, until the Constitution had been duly amended, as it was.

2. The Nineteenth Amendment

There are no factual errors in the description of the process leading to the 19th Amendment to guarantee the right to vote for women. **Amici** add just one detail that underscores the author's point that "an inherent structural interest made the proposal of [this] constitutional amendment virtually impossible...." (At p. 1980.) The territories of Utah and Wyoming allowed women full political rights. They could vote, and they could run as candidates. Wyoming repeatedly applied for admission and was repeatedly refused. Each time, Congress objected to its constitutional provision allowing women to vote. Each time, Wyoming refused to change it. Finally, in 1890, Congress relented and allowed Wyoming to join the Union with its constitution intact, including women's suffrage.

There was no hint of the use of the convention call mechanism of Article V in the effort to obtain the vote for women. The reason was apparently a tactical decision by the proponents that state legislatures would be hostile to their

efforts, unlike the states legislatures' attitudes toward direct election of Senators. So, the initiative route was followed throughout.

The debate over term limits both in numerous scholarly articles and among the public as initiative and legislative proposals are considered, has always included the claim by opponents that limits impermissibly "add another Qualification" to be elected to the Congress. All of the scholarly articles, and some of the lay press articles, mention the case of **Powell v. McCormack,** [395 U.S. 486 (1969)]. Since this case is amply analyzed in other briefs, it will not be further discussed here except to note that Adam Clayton Powell came to Washington with his certificate of election from the State of New York. There was no question he was duly elected, and no question of state election law was presented or decided in that case.

However, the **Powell** case is referenced because part of the split decision in **Thornton** relies solely upon it. When states acted to give women the

right to vote, they also necessarily changed the "Qualifications" for members of Congress. For a full century, from 1791 to 1890, there was an unwritten but inexorable qualification, candidates had to be male. The day that Wyoming joined the Union, that was no longer true. Since anyone registered to vote, old enough, and resident of the state long enough could run for Congress, on that day, women became "qualified" to run for Congress, but only in Wyoming.

In every other state, the males-only qualification remained in effect. Since half the adult population was women, this change in "qualifications" effected more of the populace than any other one ever considered. (Since the League of Women Voters was created by veterans of the long struggle to obtain the vote for women, state by state, it is ironic that the League appears in this Court and in this case, attacking the very process by which its Founders won their greatest victory.)

B. Is such action by the states precluded, permitted, or even encouraged by the constitutional framework as designed in 1787?

The answer to this question is, such actions are not only permitted, they are encouraged in the precise circumstances presented by the 17th Amendment, the 19th Amendment, and now by the yet to come Term Limits Amendment. What "Rethinking" says of the first two amendments applies equally to the third, "Both Amendments posed an inherent and direct threat to the reelection of sitting members of Congress; accordingly, there was little chance that Congress would exercise its proposing function unless compelled to do so." (At p. 1983.) This far, amici agree with the conclusion. But the author follows that statement with this, "Consequently, proponents of reform used the states to usurp this function."

This is simply untrue. At times, it seems like the author of "Rethinking" is concerned that politics enter into the Congressional decision-making on constitutional amendments. Witness, for instance, the tremendous pressures that

were brought to bear in many ways in order to establish Prohibition. Then, all those forces and pressures were reversed two decades, later, to end Prohibition. To paraphrase the French Captain in Ricks' Place in the movie, **Casablanca,** "I'm shocked, shocked, to find politics going on in this place."

Every decision by Congress on every subject that comes before it, is subject to political pressure from those interested in the outcome. This has always been true, it will always be true. It is part of the job description of being a member of Congress.

Sometimes the pressure will come specifically from the states, because many of them hold a different view on the particular subject than does Congress. Alexander Hamilton recognized this potential difference of opinion on the subject of amendment of the Constitution, In **The Federalist,** Number 43 he justified the dual nature of Article V by saying, "it allows for the correction of errors as they are perceived on the one side or the other." In context, he is referring to Congress and the state legislatures.

The history of the writing of Article V is covered fully in the main briefs, so **amici** here emphasize only one point. It is dual not by accident, nor by compromise between warring factions. It is dual because the Delegates realized that the views of Congress and the states might be different, and that both should have a role in proposing as well as ratifying.

That is exactly what Hamilton said and meant in justifying Article V. Elsewhere in **The Federalist** he noted the danger when the personal prerogatives of Congress itself are at issue. [One is reminded of George Bryan's 1787 remarks during the ratification debates quoted on page one of this brief.]

Nothing in the Constitution prohibits the states from bringing pressure to bear on Congress when they feel that body is acting improperly. In fact, a sharply divided decision of this Court assumes such action. In **Garcia v. San Antonio Transit District,** [469 U.S. 528 (1985)], this Court reversed prior decisions and concluded that the Tenth Amendment was not judicially enforceable. It was, instead,

up to the states to protect themselves politically against what Justice O'Connor called "Congress' underdeveloped sense of self-restraint." To deny the states this opportunity to put pressure on Congress on the subject of term limits is to take away from them even the political defense of their citizens when they feel Congress is acting wrongly.

"Rethinking" concludes, correctly, that the Framers were aware of the referendum device in state constitutions and deliberately chose not to employ it in the Constitution. (At p. 1988.) But it is equally true that if they were aware of the referendum device, they approved it in such states who chose to have it, since whatever powers states previously had that were incompatible with their vision of the Constitution, they forbade. The termination of the states' previously used powers to coin money and to tax interstate commerce are two clear examples.

The problem with the conclusion of "Rethinking" about "amendment by national referendum" (p. 1988) is the mixing of apples and oranges. Under the Framers' view, states were free to use popular

election devices if they chose (then only the referendum, now the initiative as well). Some states did so choose, some didn't. Today, the count is 23 yes, 27 no. But initiatives even in all 23 states on the same day, if that happened, is not the same as a national initiative. The term limit initiatives like the one in Arkansas affect only the election copes of that state and no other. A national initiative, should one ever be established, will be binding on all states, including those where the citizens may have voted against it within their own boundaries.

"Rethinking" throws amendment of state constitutions, which can sometimes be accomplished by initiative, into the same pot with amendment of the U.S. Constitution, which cannot. All of the article's philosophical arguments are ladled from that mismatched pot. Even if 49 states had the initiative, and even if all 49 magically agreed on a single form of term limits--which the record clearly demonstrates they would not--passage of the proposal in all 49 states would not amend the U.S. Constitution. The 50th

state would still be free to reelect its members of Congress for life until and unless the U.S. Constitution was amended under Article V.

What the states are doing is changing their own election laws, as they have a right to do under both their own constitutions and the U.S. Constitution. In the process, they are sending very clear and powerful messages to Congress about what Congress should do on term limits. This is politics, as "Rethinking" does acknowledge in saying Congress would have to be forced to act. This is politics as recognized by this Court in **Garcia, supra.** This is politics, as recognized by Alexander Hamilton in **The Federalist.**

Conclusion

Because of the very close parallels between the 17th and 19th Amendments and the term limits effort represented in the instant case, **amici** submit that this Court cannot deny the constitutional legitimacy of what they are doing without at the same time, denying the legitimacy of the direct election of Senators, or of voting rights for women. The situations are too similar to be distinguished, one from the other.

The **amici** in this brief are some of the organizations and their leaders who have done the long, hard, time-consuming, expensive work of organizing, campaigning, and going to the people for their decision, just as thousands of people did to obtain the 17th and 19th Amendments. They are exercising their First Amendment rights to "petition the government for redress of grievances." Other briefs have fully discussed the First Amendment, so it will not be further discussed here. Suffice to say, a fatal blow will be struck against this right not just on term limits but on any subject in the future

where Congress is part of the problem, if this door that has been used twice and is being used again, is closed.

This leads to the final point.

These **amici** do not know whether any other brief will mention the doctrine of laches, so they raise it here. Laches can apply even in the area of constitutional law. For instance, the Electoral College was set up to allow its members to exercise their independent judgement about who should be President and Vice President. For the first two elections of George Washington and John Adams, that is exactly what they did. (Contrary to popular myth, the election of Washington was not unanimous. See, Sven Petersen, **A Statistical History of US Presidential Elections.**) However, by the third election in 1799, the Federalist Party had formed, and developed the idea of pledged Electors. Though the voters voted only for the Electors, the Electors were announced in advance to vote for particular candidates.

In the 200 years since, the pledged Elector has been enshrined in state

election codes. An attempt to vote other than pledged is in most states an automatic resignation, and in some states a felony. The last "unfaithful elector" to date was Roger McBride in Virginia, who was pledged to Richard Nixon but voted for Ronald Reagan. The point is, there is no question the present system violates what the Framers intended for the Electoral College. As Alexander Hamilton wrote in **The Federalist,** Number [68],

"Talents for low intrigue and the little arts of popularity, may alone suffice to elevate a man first honors in a single state, [but it will require other talents, and to be chosen President of the United States--this appears in the Federalist where Hamilton is justifying the College.] a different kind of merit, to establish him in the esteem and confidence.

The point is not whether the change in the use of the College has allowed anyone with "talents for low intrigue and the little arts of popularity" to become President. The point is whether a case brought now could successfully challenge the change in the College. It could not. Even if this Court unanimously agreed that the Electoral College had been improperly abandoned, laches would apply. Two centuries is too long to wait to bring a challenge.

This Court has demonstrated its view of the outer limits of laches in **Korematsu v. US.** In the original case of the same name in 1944, [323 US 214 (1944)] this Court upheld the creation of Japanese-American "internment" camps during World War II, by Executive Order of President Roosevelt. Forty-five years later, Mr. Korematsu brought a case to have his conviction overturned and to recover damages. This Court ruled only on the damages claim, a lower court having struck out the conviction. And, this Court applied laches; 45 years was too long.

If the process that term limit supporters are using today is arguably unconstitutional, the challengers have waited too long to bring their cases. Both the direct election of Senators and the vote for women began in 1890; one with the creation of the first direct primary for Senate, the other with the admission of Wyoming into the Union with women voting. This process is no more or less constitutional than it was then. Individuals and organizations aggrieved then, like those aggrieved today, could have filed suit and obtained a contemporaneous ruling on the constitutionality of such state-by-state offorts. They did not. A century is too long to wait to bring a constitutional challenge. Laches should apply as the last reason, if the case reaches that point, to reverse the decision of the Supreme Court of Arkansas.

The **amici** here fully support the position of the Petitioners in this case, US Term Limits, Inc., **et al.** They submit that their actions, which are identical to term limits supporters in Arkansas in 1992 which gave rise to this case, are well

recognized, time-honored, and constitutional. They submit that this should be the result, regardless of the degree of or weight given to the "original intent" of the Framers of the Constitution. They urge this Court to so rule.

Respectfully submitted,

LOWELL D. WEEKS
LOWELL D. WEEKS, P.A.
744 ROOSEVELT TRAIL-SUITE 204
WINDHAM, MAINE 04062
207-892-2253
Attorney for Amicus Curiae
Congressional Term Limits
Coalition, Inc.

Dated: August 16, 1994

JOHN C. ARMOR
JOHN C. ARMOR, P.A.
327 11th STREET , NE
WASHINGTON, D.C. 20002
202-543-1308

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, three true and correct copies of the brief of Amicus Curiae Congressional Term Limits Coalition, Inc. (Maine) et al. were served on each counsel of record for Petitioner and Respondent by first class mail postage prepaid, to the following persons:

John G. Kester, Esq.
Terrance O'Donnell, Esq.
Timothy D. Zick, Esq.
Williams & Connelly
725 12th St., N.W.
Washington, DC 20005
Attorneys for US Term Limits, Inc., et al.

Elizabeth J. Robben, Esq.
Friday, Eldredge & Clark
400 West Capitol Ave.
Little Rock, Arkansas 72201
Attorneys for Hill & Hergst

Henry Maurice Mitchell
Mitchell, Williams, Selig, Gates & Woodyard
320 West Capitol Ave.
Little Rock, Arkansas 72201
Attorneys for Thornton, Lambert & Democratic Party of Arkansas

Michael Davidson, Esq.
Senate Legal Counsel
624 Hart Senate Office Building
Washington, DC 20510
Attorneys for Bumpers

Timothy W. Grooms, Esq.
Williams & Anderson
111 Center St.
Little Rock, Arkansas 72201
Attorneys for Pryor

John T. Harmon, Esq.
The Harmon Law Firm
523 South Louisiana
Little Rock, Arkansas 72201
Attorney for Americans for Term Limits & Goss

J. Winston Bryant, Esq.
Attorney General
200 Tower Building
323 Center St.
Little Rock, Arkansas 72201

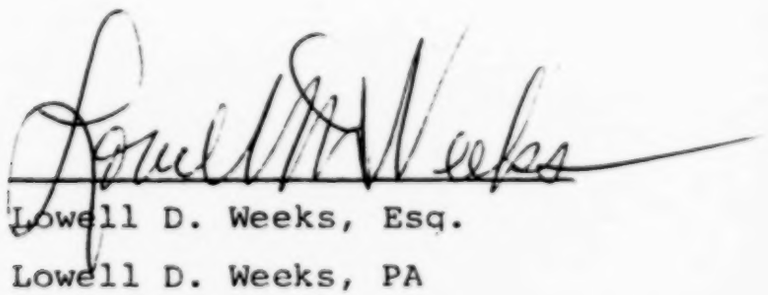
Griffin B. Bell, Esq.
Paul J. Larkin, Jr., Esq.
Polly J. Price, Esq.
King & Spaulding
1780 Pennsylvania Ave., NW
Washington, DC 20006

Cleta Deatherage Mitchell
900 Second St., NE
Washington, DC 20002

Attorneys for Petitioner in NO. 93-1828

Doyle L. Webb, Esq.
Webb Doerpinghaus Brown
507 Oak Hill Rd.
Benton, Arkansas 72015
Attorney for Republican Party of Arkansas
& Hutchinson

Counsel of Record



Lowell D. Weeks, Esq.
Lowell D. Weeks, PA
204 Windham Crossing
744 Roosevelt Trail
Windham, ME 04062